UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,313	09/03/2003	Robert M. Guidash	86321PCW	4417

7590 08/27/2007	EXAMINER

Thomas H. Close
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER
NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
2622	

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08/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/654,313	GUIDASH, ROBERT M.
	Examiner	Art Unit
	LUONG T. NGUYEN	2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>13 August 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>*1-6,8-14 and 16-18*</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>See attached.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20070823

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed on 8/13/2007 have been fully considered but they are not

persuasive.

In re page 5, Applicant argues that the phrase "a mechanism" in claim 16 is correct.

In response, the Examiner respectfully disagrees. Claim 9 (line 8) and claim 6 (lines 1-

2), both recite the limitation "a mechanism". This will causes confusion. Since Applicants

argues that claim 6, which depends from claim 9, does not recite "a mechanism that reads out at

least a subset of the plurality of pixels and uses the signal values obtained from the readout to

determine the integration times of the plurality of pixels," that means "a mechanism" recited in

claim 16 is different from "a mechanism" in claim 9; therefore, "a mechanism" in claim 16

should be changed to "another mechanism" in order to avoid the confusion.

In re pages 5-6, Applicant argues Morris does not teach "color filter kernels having the

same colors in a predetermined arrangement" and using different integration times for the color

filter kernels having the same colors in a predetermined arrangement".

In response, regarding claim 1, the Applicant recites limitation "wherein the color filter

pattern forms a plurality of color filter kernels having the same colors in a predetermined

arrangement; and a mechanism for controlling integration time of the different sets of kernels

according to their spatial location, wherein the integration time is different for each set of the

kernels." The Examiner considers that claim 1 as recited still does not distinguish from Morris et

al. Morris et al. discloses a plurality group of four pixels 113a, 113b, 113c, 113d, one

group has the same red pixel color, another group has the same green pixel color, each group of

pixels includes 2x2 pixels and has the same color (figure 5, column 3, lines 5-40), which

corresponds to the limitation "wherein the color filter pattern forms a plurality of color filter

kernels having the same colors in a predetermined arrangement." Morris et al. also discloses the

integration times for different groups of pixels are independently controlled (column 3, lines 5-

50), which corresponds to the limitation "a mechanism for controlling integration time of the

different sets of kernels according to their spatial location, wherein the integration time is

different for each set of the kernels."

In re page 6, Applicant argues that the Examiner did not cite in the final office action

where all of the claim limitations are taught in Morris, and in particular where Morris teaches

"kernels having the same colors in a predetermined arrangement wherein the kernels are

arranged in at least two different uniformly distributed sets."

In response, the Examiner did point out where all of the claim limitations are taught in

Morris, see Office Action mailed on 6/13/2007; and as discussed above.

In re page 7, Applicant argues that Applicant respectfully submits Morris does not teach a

sync signal that reads out pixels from two different rows. The time measuring circuits (130a,

130b, 130c, 130d) shown in FIG. 5, one for each of the groups 113, is responsive to pixel sensing

unit 118, when an intensity exceeds a threshold level. This has nothing to do with reading out

data signal values from two different rows using the same sync signal.

In response, regarding claim 8, the Applicant recited claim 8 with limitation "a readout mechanism that provides a series of output signal values associated with a row sync signal with a number of data signal values corresponding to a number of pixels in a row or desired portion of a row; wherein the output signal values have signals that are generated from pixels within at least two physically separate rows within the array." The Examiner considers that claim 8 as recited still does not distinguish from Morris et al. Morris et al. discloses row decoder 121 provides output signal (a sync signal) to select rows of pixel sensing unit 118 for reading out signal value, figure 5, column 7, lines 9-31. Morris et al. also discloses the decoder 121 retrieves the stored indications of the intensities from pixel sensing units 118 by selectively selecting rows of the pixel sensing units 118, figure 5, column 7, lines 9 - 31. Noted that the signal values that are generated from the array of pixel sensing units 118 (plurality of groups of 2x2 pixels 113) are transferred to output interface 128, figure 5, column 7, lines 9-31.

In re page 8, Applicant argues that independent claims 1 and 9 are not obvious in view of Morris and Bayer.

It should be noted that independent claims 1 and 9 are rejected under 35 U.S.C 102(e) as being anticipated by Morris et al. The Office Action did not reject independent claims 1 and 9 as being unpatentable over Morris et al. in view of Bayer as Applicant argued.

2.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-

7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
08/23/07

LUONG T. NGUYEN
PATENT EXAMINER